

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ESTATE OF WILLIAM HENNEFER et
al.,

Plaintiffs,

v.

YUBA COUNTY et al.,

Defendants.

No. 2:22-cv-00389-TLN-KJN

ORDER

The parties appeared, through counsel, for an informal telephonic conference regarding discovery on September 8, 2023, before the undersigned. Attorney Patrick H. Dwyer appeared for plaintiffs, attorney Matthew W. Gross appeared for defendants.¹

According to the joint statement filed by the parties prior to the conference, plaintiffs seek a court order that: 1) plaintiffs be permitted to re-notice the depositions of Deputies Eck, Saecheo, Aguirre, Mullins, and Mallory, 2) defendants pay for costs and fees of the re-noticed depositions, and reimburse plaintiffs for the prior depositions, 3) a forensic audit of the computer defendant used to download the video be conducted, and 4) defendants produce names and a detailed description regarding the handling of the video. (ECF No. 28.)

¹ This matter was referred to the undersigned pursuant to Local Rule 302(c)(1).

1 During the informal conference, however, it became apparent that the parties disagree
2 about what drone footage videos were actually produced. According to plaintiffs, there are three
3 videos that were never previously produced by defendants. According to defendants, all videos
4 were produced to plaintiffs during the initial discovery, albeit in a low-quality format.


5 Because this disagreement is central to the instant discovery dispute, the court hereby
6 orders that the parties further meet and confer to identify exactly what videos were produced and
7 when. The court also orders that plaintiffs' attorney be permitted to re-notice the deposition of
8 Deputy Mallory, for which defendants are required to pay the costs of a court reporter and
9 transcripts. Plaintiffs' requests are otherwise denied without prejudice to renewal.

10 **ORDER**

11 It is HEREBY ORDERED that:

- 12 1. The parties shall further meet and confer in person within the next thirty days at a
13 mutually agreed upon location for the purpose of determining precisely which videos were
14 produced and when.
- 15 2. Plaintiffs' counsel may re-notice the deposition of Deputy Mallory. The costs of the court
16 report and transcript for this re-deposition shall be shifted to defendants. The court
17 declines to award attorneys' fees at this time.
- 18 3. Plaintiffs' remaining requests are denied without prejudice to renewal.

19 Dated: September 10, 2023

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21 KENDALL J. NEWMAN
22 UNITED STATES MAGISTRATE JUDGE

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